

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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JOSHUA ZARETSKY

Plaintiff,

-against-

ORDER
08 CV 378 (DRH)(WDW)

TOM DEBONIS, et al.,

Defendants.

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HURLEY, Senior District Judge:

By Order dated April 18, 2011, I temporarily granted plaintiff's motion for default against defendants Robert Adlerstein, Rodney Boone, and Tom DeBonis, and referred the matter to Magistrate Judge Wall for an inquest on damages. On May 10, 2011, Judge Wall issued a Report and Recommendation ("Report"), recommending that the Court defer an award of damages until the claims against all defendants have been determined. (*See* docket no. 52.) The Report noted that all defendants had either had their claims dismissed by stipulation or had had a judgment of default temporarily entered against them, with the exception of defendants New Century Mortgage Corporation and Southern Star Mortgage Corporation who appeared to be in default. (*Id.*) The Report also directed plaintiff to provide information as the status of these two defendants.

On June 1, 2011, plaintiff's counsel wrote to Judge Wall informing him that the two outstanding defendants had entered Chapter 11 bankruptcy and that "all proceedings against these defendants were stayed." (Document 54.) Later, on June 29, 2011, plaintiff filed notices of voluntary dismissal as to these two defendants. (Docket Nos. 56, 57.) Judge Wall then directed plaintiff to submit papers in support of any damages and attorney's fees sought in connection with

the pending motions for default against Adlerstein, Boone, and DeBonis, which plaintiff provided on August 26, 2011. (Docket Nos. 59-61.)

Pursuant to Fed. R. Civ. P. 72, the Court adopts the May 10, 2011 Report (docket no. 52), grants plaintiffs' pending motions for default (docket nos. 24-26), and respectfully renews its previous referral of the matter to Judge Wall for an inquest on damages.

SO ORDERED.

Dated: Central Islip, N.Y.
September 30, 2011

_____/s
Denis R. Hurley
United States District Judge